



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

January 18, 2006

Dear Interested Party:

Attached is the revised "Water Management Guidance for Permit, Permit Amendment Applications and 5- Year Reviews." The Policy and resulting Guidance grow out of the Water Management Act, which requires the Massachusetts Department of Environmental Protection ("MassDEP") to balance a variety of factors including:

- Reasonable protection of existing water uses, land values, investments and enterprises;
- Reasonable conservation consistent with efficient water use;
- Reasonable protection of public drinking water supplies, water quality, wastewater treatment capacity, waste assimilation capacity, groundwater recharge areas, navigation, hydropower resources, water-based recreation, wetland habitat, fish and wildlife, agriculture, and flood plains; and
- Reasonable economic development and job creation.

A fundamental underpinning of the Act is the wise use of water resources to ensure adequate water for all existing users and future economic growth. The Water Management Policy & Guidance are designed to set reasonable and achievable water use performance standards. When MassDEP adopted the Water Management Policy in 2004, it was with the understanding that adjustments would need to be made after gaining experience implementing the Policy & Guidance. Since then, valuable dialog has occurred, leading to broader engagement of the public and a better understanding of the issues.

Over the past nine months, MassDEP has worked with its Water Management Act Advisory Committee, a focus group, and several work groups whose representatives have included municipal officials, water suppliers, technical experts, watershed associations and environmental advocates. The discussions were convened in response to the request for input on the major implementation concerns:

- Inadequate time to implement the standards;
- Uncertainty of MassDEP enforcement response for minor violations;
- Lack of options for outdoor water use restrictions;

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DEP on the World Wide Web: <http://www.mass.gov/dep>



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- Complicated formula for limits on seasonal water use;
- More information on the science behind the relationship between streamflow and water conservation; and
- Lack of incentives to reward performance.

Following a series of meetings, interested parties were invited to provide written comments on the proposed revisions. After carefully reviewing the comments and the issues raised at the legislative briefing held on October 26, 2005, MassDEP has modified the attached Guidance to address these concerns, as follows:

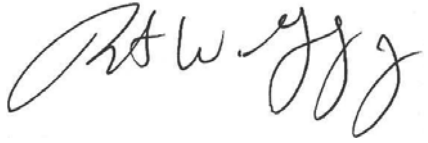
1. Enforcements margins have been added for residential water use and unaccounted for water (UAW) for suppliers who are near but not meeting the Performance Standard. This approach allows MassDEP to focus our resources on the most serious violations, provides suppliers with certainty as to MassDEP's enforcement response, and allows those suppliers whose water use is close to meeting the Performance Standard an opportunity to develop a compliance plan tailored to their water system.
2. Timelines have been extended for suppliers to meet the Performance Standards by providing between two to three years from the effective date of permit issuance;
3. Suppliers who reduce water use are rewarded by allowing them to delay, or forego entirely, additional requirements to mitigate the impacts of increasing withdrawals;
4. The revised Guidance simplifies summer use restrictions by eliminating the Summer Withdrawal Cap and replacing it with a clear set of alternatives that reward performance, distinguish between high and medium stressed basins, and provide suppliers with options for outdoor water restrictions;
5. Surface Waters: The Guidance allows surface water suppliers to propose alternatives to outdoor water use restrictions.

The revised Guidance alone will not solve our water resource management challenges. MassDEP is also working to modify its sewage regulations and stormwater standards to promote wise wastewater and stormwater practices. In addition, MassDEP has made available \$400,000 from the State Revolving Fund for water conservation grant programs. MassDEP will continue to explore the possibility of authorizing additional state funds to promote leak detection and conservation programs. Additional information about stream flow and water conservation, can be found in Attachments A & B.

I believe that the discussions and deliberations regarding the Water Management Act Policy and Guidance have been very fruitful and have brought to the fore a very important issue. We will continue to work to provide clearer definition and guidance on technical matters associated with the Policy's implementation, in particular: improved standardization of reporting, applicability of the Guidance to surface water sources, and by identifying offsets that communities can put in place to minimize the impacts of additional withdrawals and developing guidance to implement those "offsets". I am hopeful that revisions will result in more implementation and less

litigation. The revised Guidance is a significant step forward in our efforts to manage the water resources in the Commonwealth.

Sincerely,

A handwritten signature in black ink, appearing to read "R. W. Golledge, Jr.", written in a cursive style.

Robert W. Golledge, Jr.
Commissioner